GOVERNMENT OF ANDHRA PRADESH

ABSTRACT.

Public Services–Transport Department-Sri S.Lakshminarayana, Administrative Officer–Misconduct while working in O/o the Deputy Transport Commissioner, Kurnool–Enquiry Conducted–Punishment imposed–Appeal Petition filed–Rejected–Mercy Petition-Submitted- Allowed-Orders-Issued.

TRANSPORT, ROADS & BUILDINGS (VIG.TR) DEPARTMENT

G.O.RT.No. 507 **Dated:05.10.2015**

Read the following:

1. Proceedings. R.No.10608/V1-3/2011-1 Dated:06.01.2015 of Transport Commissioner, A.P., Hyderabad.
2. From Sri S.Lakshminarayana, Administrative Officer, Appeal Petition Dated:16.02.2015.
3. From the Transport Commissioner, A.P., Hyderabad, Lr.No.10608/V4/V1/ 2011, Dated:04.05.2015.
4. Govt. Memo.No.1772/Vig.Tr/A2/2015-3, Dated: 22.07.2015 of Transport, Roads & Buildings(VIG.TR.)Department.
5. From Sri S.Lakshminarayana, Administrative Officer, Mercy Petition Dated: 31.07.2015.

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ORDER:

On allegations of corruption and based on the report of the Deputy Transport Commissioner, Kurnool, charges were framed against Sri S.Lakshminarayana, then Administrative Officer, O/o the Deputy Transport Commissioner, Kurnool, that he approved the files for issue of Clearance Certificates to certain Light Motor Vehicle(LMV) Cars which are under Hire Purchase Agreement (HPA) though the files were processed with bogus documents with malafide intention to cheat the Finance Companies in connivance with certain Agents and to favour the Registered Owners of the Vehicles. An Enquiry was conducted, and the Enquiry Officer held that Charges against S.Lakshminarayana, Administrative Officer as Not Proved. However, while Disagreeing with the Findings of the Enquiry Officer, and after following due procedure, the Disciplinary Authority has issued orders in the reference first read above, imposing a penalty of "Stoppage of one Annual Grade Increment with cumulative effect" on Sri S.Lakshmi Narayana.

2. Aggrieved by the orders of Punishment, Sri S.Lakshminarayana, filed an Appeal to Government in the reference second read above, wherein he has stated that the punishment has been imposed on him by disagreeing the findings of the Enquiry Officer on mere conjunctions and surmises without having any regard to the evidence available on record; he has further stated that the reason of disagreement that the signatures on the No Objection Certificate as well as intimation letter furnished at the beginning by the Financier can be compared so as to ascertain the genuineness of the document is not founded on any sound rationale; that there are no standardized signatures on behalf of the Finance Companies so as to compare with the signature made in the "No Objection Certificate"; that in the absence of any incidents of similar nature and in the absence of the complaints of similar nature by the Finance Company, no onus can be fixed on the Officer and precisely for the same reason charges were held Not Proved by the Enquiry Officer. He has appealed that the order of punishment imposed by the Transport Commissioner is not in accordance with the law and the same is liable to be set aside and further that he is due to get promotion to the cadre of Regional Transport Officer at the fag end of his service(Retirement Date: 30.06.2016).

3. After careful examination of the matter, Govt. have observed that "the Financier informs the Transport Authorities in writing whenever a Vehicle is purchased on installment basis and the Registered Owners submit Form-35 of Endorsement of Hire Purchase Agreement(HPA) in the Registration Certificate of the Vehicle. The signature on the No-Objection Certificate(NOC) as well as Intimation Letter furnished by the Financier at the beginning is to be compared and it can also be ascertained from the Financier whether No-Objection Certificate(NOC) submitted by the Applicant is Genuine one or not. Further, the penalty imposed on Sri S.Lakshminarayana is not harsh, when compared to the gravity of charge." In these circumstances, Government have decided to

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uphold the contentions of the Transport Commissioner, A.P., Hyderabad and to reject the Appeal Petition of Sri S.Lakshminarayana, Administrative Officer, O/o the Deputy Transport Commissioner, Chittoor. Therefore, orders were issued in the reference fourth read above, rejecting the Appeal Petition of Sri S.Lakshminarayana, Administrative Officer, Chittoor.

Against the above orders passed by the Government., Sri S.Lakshmi Narayana, Administrative Officer, Chittoor has again submitted his Mercy Petition before the Govt., in the reference fifth read above. In his Mercy Petition Dated:31.07.2015, the main pleas urged by him are that:

- His averments in the Appeal Petition for acceptance of the Enquiry Officer's Finding holding the charge against him as Not Proved, have not been considered by the Government.

- He is having a left-over service of only ten(10) months, as he is due to retire from service on 30.06.2016. He is due for promotion to the post of Regional Transport Officer in the twilight of his career.

- He has requested for reconsideration of the impugned Govt. Orders issued vide Memo Dated:22.07.2015.

4. Government have examined the entire issue carefully. Keeping in view the totality of the facts and circumstances of the case, considering that the individual is on the verge of superannuation (he is due for retirement on 30.06.2016) and having a very short span of left-over service, i.e., another ten months, and is in the race for getting promotion as Regional Transport Officer which is a lifetime avenue for him and implementation of Punishment Order of Stoppage of One Annual Grade Increment With Cumulative Effect will permanently close the doors for his promotional prospects, and above all, considering that this is a Mercy Petition, wherein the Petitioner is pleading the Government to be merciful and set aside the penalty imposed by the Transport Commissioner, Government have decided to agree with the findings of the Enquiry Officer, viz., that the Charge is Held Not Proved, and to Allow the Mercy Petition of Sri S.Lakshmi Narayana, Administrative Officer, Chittoor.

Therefore, Government, after careful examination, hereby Allow the Mercy Petition of Sri S.Lakshmi Narayana, Administrative Officer, Chittoor and accordingly set aside the orders of punishment of stoppage of One Annual Grade Increment with Cumulative Effect imposed upon him by the Transport Commissioner, A.P., in the reference first read above.

The Transport Commissioner, A.P., Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The individual **Through** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, Andhra Pradesh Hyderabad.

Copy to:
1)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad for information.
2)SF/SCs.

//FORWARDED:: BY ORDER//

SECTION OFFICER